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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING
CASPER DIVISION

THE TRIAL LAWYERS COLLEGE,
a nonprofit corporation

Plaintiff,

v.

GERRY SPENCES TRIAL
LAWYERS COLLEGE AT
THUNDERHEAD RANCH, a
nonprofit corporation, and GERALD
L. SPENCE, JOHN ZELBST, REX
PARRIS, JOSEPH H. LOW, KENT
SPENCE, JOHN JOYCE, and
DANIEL AMBROSE, individuals.

Defendants.

CIVIL ACTION NO. 1:20-cv-0080

JUDGE CARSON

MAGISTRATE JUDGE CARMAN

MOTION TO DISMISS COUNTERCLAIMS AND THIRD PARTY CLAIMS

PLAINTIFF The Trial Lawyers College, (“Plaintiff” or “TLC”), and Third Party Defendants John Sloan, Milton Grimes, Maren Chaloupka, James R. Clary, Jr., Dana Cole, and Anne Valentine (the “TLC Board”) respectfully request that, pursuant to Rules 12(b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure, this Court dismiss the Counterclaims and Third Party Claims recently asserted against them by Defendants Gerry Spence, John Zelbst, Rex Parris, Joseph Low, and Kent Spence (“the Spence Group”). *See* Rec. Doc. 102. As more fully set forth in the Memorandum in Support, the Spence Group has failed to establish a prima facie case for exercise of personal jurisdiction over the TLC Board, as it has not pled any specific acts of the board members directed at the forum state. Additionally, Gerry Spence’s claims arising out of TLC and the TLC Board’s alleged use of his name and likeness are not cognizable under the Lanham Act or Wyoming state law. Finally, the Spence Group’s attempt to reframe the board dispute between it and the TLC Board—a dispute already pending in Wyoming state court—as a Lanham Act claim legally falls flat and should be dismissed by the Court.

[SIGNATURE PAGE FOLLOWS]

Respectfully submitted,

THE TRIAL LAWYERS COLLEGE

/s/ Christopher K. Ralston

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R. CLARY, JR., DANA COLE, AND ANNE
VALENTINE**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing document has been served electronically by transmission to an electronic filing service provider for service through the Court's CM/ECF system to all counsel of record this 11th day of November, 2020. I further certify that a copy of the forgoing pleading has been sent to unrepresented parties Daniel Ambrose and John Joyce at their last known address via U.S. Mail or commercial courier.

/s/ Christopher K. Ralston

Christopher K. Ralston